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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,445	07/25/2006	Dieter Ramsauer	STR-1013/500638.20035	5304

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REED SMITH, LLP
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599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER

MORGAN, EMILY M

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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04/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,445	Applicant(s) RAMSAUER, DIETER	
	Examiner EMILY M. MORGAN	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,31,34-36,53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,31,34-36,53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Regarding claim 42, applicant has not adjusted the dependency of claim 42. Since the 42 depends on claim 37, which is cancelled, examiner will consider claim 42 dependent on claim 30 rather than cancelled claim 37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 34, 35, 36, 42, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent 6286185 Ramsauer in view of patent 3426817 Parkin, and further in view of patent 1950205 to Young.

Regarding claim 30, Ramsauer discloses:

A hinge (figure 1) comprising: at least one hinge part 12 which can be mounted in an opening in a thin wall such as a sheet-metal cabinet door (abstract); a head part, such as a flange or hinge leaf (hinge part 12 is a hinge leaf, column 4, line 66), which overlaps a rim of the opening of the thin wall on an outer side (figures 24, 11, 22); a body part 240 (figures 11, 14) which proceeds from the head part (or leaf, figure 11) and can be pushed through the opening in the thin wall 160 (figure 11); and a holding part (nut 280) which is carried by the body part 240 (figure 11), supported on another rear side of the thin wall by article 280 (figure 11), and is separate from the body part 240, shown alone in figure 14. Ramsauer does not disclose the use of holding elements with inclined surfaces, or the rectangular opening.

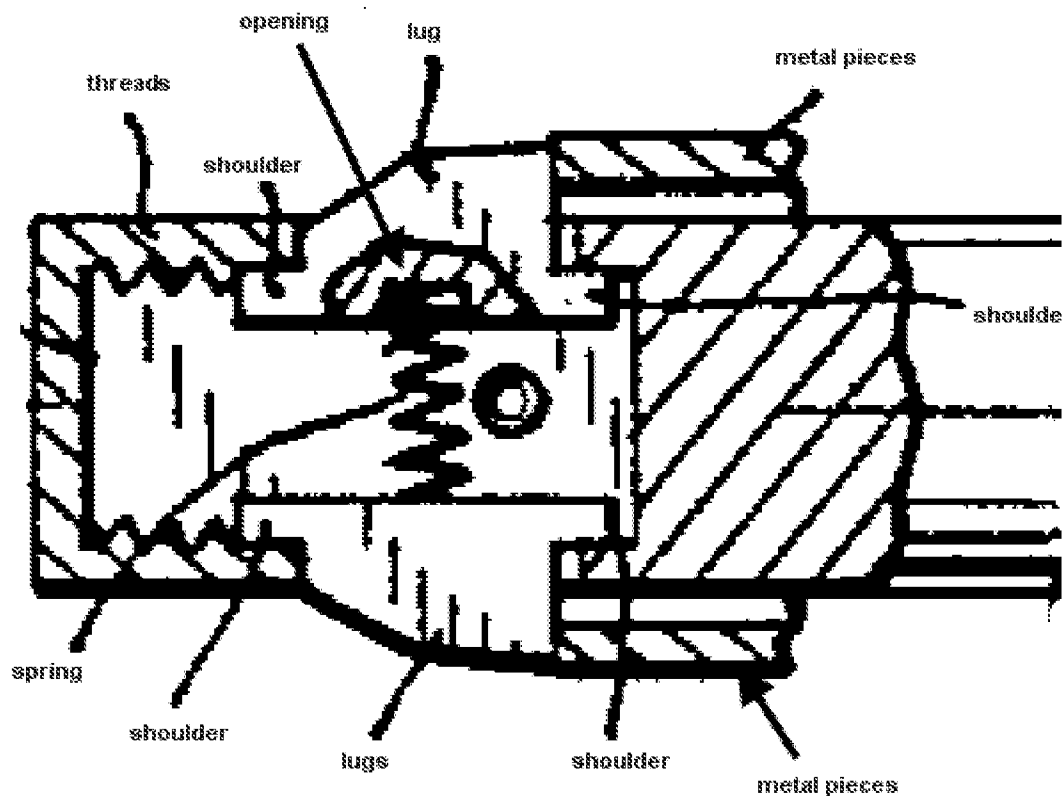
Parkin discloses a sheet metal nut device, which has a holding part (figure 1) being formed by holding elements 2 which project in a flexible manner from the body

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part in the direction of its outer surface (figure 4) and whose free end has an inclined surface (to interact with threads of the screw, shown in figure 4) for supporting the body part on the rim or edge of the opening without play, and discloses a rectangular opening (figure 5).

It would have been obvious to one of ordinary skill in the art to use the Parkin sheet metal nut device on the attaching device of Ramsauer. Since the hinge of Ramsauer is used in a thin sheet metal article, it would have been obvious to one of ordinary skill to use an appropriate screw to attach the hinge to the article, as well as use a well known sheet metal nut device for the sheet metal screw. Column 3, lines 30-32 discloses that a standard nut and a cap nut can be used on the back of the screw. Since both are known to hold a screw in place, it would have been obvious to use another known device on the back of the screw.

Young discloses a pin having a head, latching lugs 40 that expand according the spring 41 in either direction. These are located in a cylinder (pin 35 is round) and expand parallel to the plane of the thin wall. They are received in openings of the lugs, shown in figure 5, also shown below.



It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the modified Ramsauer device with the Parkin nut. This would provide an additional method to ensure that the Young pin does not get pulled out of the hinge device. The Young pin would be inserted into the Ramsauer hinge much like the screw of figure 11, extend into the Parkin sheet metal nut, and expand within the walls 7 and 8, and inclined surfaces 2 would interact with the threading provided for the cap. Placing the inclined surface 2 would take place of the cap, keeping the latching lugs 40 of Young in the pin. Young discloses a spring 41.

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Regarding claim 31, Ramsauer as modified discloses the hinge according to claim 30, wherein two holding elements (figures 11 and 12) which are arranged diametrical to one another are provided and are acted upon by wedge arrangements such as a screw or bolt, as shown in both Ramsauer and Parkin.

Regarding claims 34 and 35, Ramsauer as modified discloses the hinge according to claim 30, but does not disclose the holding elements are slides.

Young discloses a pin having a head, latching lugs 40 that expand according the spring 41 in either direction. These are located in a channel (pin) and expand parallel to the plane of the thin wall.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the modified Ramsauer device with the Parkin nut. This would provide an additional method to ensure that the Young pin does not get pulled out of the hinge device. The Young pin would be inserted into the Ramsauer hinge much like the screw of figure 11, extend into the Parkin sheet metal nut, and expand within the walls 7 and 8, and inclined surfaces 2 would interact with the threading provided for the cap. Placing the inclined surface 2 would take place of the cap, keeping the latching lugs 40 of Young in the pin. Young discloses a spring 41. Applicant discloses that a spring and a pin arrangement result in a similar construction and disclose each as an alternative to each other in [0017], making those obvious variants of each other.

Regarding claim 36, Ramsauer as modified discloses the hinge according to claim 34, wherein the cylinder of Parkin has an undercut edge 9a, at which the slides of Young are supported axially by a shoulder or hook and 11, shown in figure 4 of Parkin, and the slides are supported by shoulders 39 by Young as well.

Regarding claim 42, Ramsauer as modified discloses the hinge according to claim 30, wherein the holding elements of Young are formed by a metal piece or by two metal pieces lying next to one another which is/are held jointly by a spring in such a way that these two or three parts form a manageable unit that is stable in itself. These pieces are formed together as a part of pin 35 of Young, and can be used as an attachment pin in another function.

Regarding claims 53 and 54, Ramsauer as modified discloses the hinge according to claim 30, wherein a second hinge part (opposite leaf, figures 2, 11 and 25) which is swivelably connected to the first hinge part 12 (via hinge pin 44) has a construction analogous to that of the first hinge part (shown symmetrical in the figures listed above), and attaches to frame 58 on one side, and the other side to door leaf 60.

Response to Arguments

Applicant's arguments filed 1/15/2008 have been fully considered but they are not persuasive.

Regarding the drawing objections, applicant has pointed out where the changes have been made and the objection is withdrawn.

Regarding the replacement of "cylinder" with "channel", examiner thanks applicant for the clarification.

Regarding the discussion of claims 37 and 39, examiner notes that the holding elements are formed by the device taught by Parkin, and the spiral pressure spring is that taught by Young. Applying the Parkin device to the apparatus of Ramsauer would result in the square shaped hole of the panel in Ramsauer, with the metal sheet of Parkin extending through the hole (flanges 5, which is a metal piece, making a rectangular hole, since the hole that it clips into is rectangular, figure 5). These pieces, the panel of Ramsauer and the device of Parkin, create the rectangular space (figure 3) which receives a spiral pressure spring as taught by Young.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMILY M. MORGAN whose telephone number is (571)270-3650. The examiner can normally be reached on Monday-Thursday, alternate Fri, 7:30am to 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677

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/EMM/